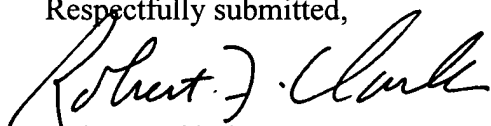


Yamada of a high surface area heterogenite material. The Applicants also respectfully assert that the Examiner's logic that Example 1 of Yamada would possess a H/O ratio of somewhere near the 1/2 ratio present in a perfect heterogenite powder is flawed. Yamada in Example 1 combines the $H_{1.15}CoO_{2.07}$ material with $LiOH \cdot H_2O$ in water and then heats the aqueous mixture at $90^{\circ}C$ for two hours until it reaches dryness and then for a further 2 hours at $100^{\circ}C$. Yamada et al. is silent about the composition of the dried material. However, since the heterogenite material was heated in hot water in the presence of a soluble compound, $LiOH \cdot H_2O$,¹ the Applicants respectfully assert that it is unreasonable to expect that the resulting dried material in Example 1 would be similar in composition to the Applicants' or have the same high surface area.

The Examiner's further reliance on Ohta and Nakamura is similarly misplaced. The Examiner states that the Ohta and Nakamura disclose that it is known in the art that both cobalt hydroxide and cobalt [oxide] powder made from heterogenite are known to have a surface area as presently claimed. However, these references do not teach or suggest a high surface area heterogenite material. The Applicants respectfully assert that Ohta and Nakamura only demonstrate the existence of high surface area cobalt hydroxide and cobalt oxide. Without the appropriate teaching, suggestion or motivation, the Applicants contend that the Examiner's rejection is at its base an "obvious to try" argument. However, "obvious to try" is not an appropriate standard under 35 USC 103. See, MPEP §§ 2143.01 and 2145(X)(B). Therefore, the Applicants respectfully assert that the claimed invention is not obvious in view of the cited references.

In view of the foregoing response, it is believed that the Examiner's rejections have been overcome and that the application is in condition for allowance. Such action is earnestly solicited.

Respectfully submitted,



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¹ $LiOH \cdot H_2O$ has a solubility of about 27 g per 100 cc of hot water. CRC Handbook of Chemistry and Physics, 59th Ed., B-132 (1978).